

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application of)	
DTE ELECTRIC COMPANY for)	
approval of a power supply cost recovery plan and)	Case No. U-17920
for approval of monthly power supply cost recovery)	
factors for the year 2016.)	
_____)	

At the April 13, 2017 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Sally A. Talberg, Chairman
Hon. Norman J. Saari, Commissioner
Hon. Rachael A. Eubanks, Commissioner

ORDER

On January 12, 2017, the Commission issued an order in this docket (January 12 order) pursuant to 1982 PA 304, MCL 460.6j *et seq.* (Act 304), approving an application filed by DTE Electric Company (DTE Electric) for authority to implement a power supply cost recovery (PSCR) plan in its rate schedules for 2016 metered jurisdictional sales of electricity. On February 13, 2017, Great Lakes Renewable Energy Association (GLREA) filed a motion for reconsideration and rehearing of the January 12 order. On March 6, 2017, DTE Electric filed a response to GLREA's motion.¹

¹ On February 28, 2017 (February 28 order), the Commission issued an order to correct an erroneously stated factor not related to GLREA's application for reconsideration and rehearing.

In its petition for reconsideration/rehearing, GLREA contends that the Commission erred when it stated that “the statutory purpose and language of Act 295 make renewable energy plan contested proceedings the appropriate venue to raise issues of increasing effect and use of solar energy” and when it referred to the Administrative Law Judge’s (ALJ’s) opinion that “contested proceedings related to MCL 460.1001, *et seq.* (2008 PA 295) were a more appropriate place to raise in-depth solar issues.”² GLREA also asserts that the Commission misconstrued its evidentiary case and continues to argue that DTE Electric’s PSCR plan and projection are incomplete and flawed. GLREA also asserts that the Commission did not cite statutory language in support of its legal positions.

In its response to GLREA’s petition, DTE Electric opines that GLREA “simply repeats the same arguments from its initial brief and exceptions that have been previously presented to the Commission (and the ALJ), reviewed by the Commission (and the ALJ), and rejected by the Commission (and ALJ).” *See*, p. 1 of DTE Electric’s response.

Mich Admin Code, R 792.10437(1) of the Commission’s Rules of Practice and Procedure provides, in pertinent part, that:

A petition for rehearing based on a claim of error shall specify all findings of fact and conclusions of law claimed to be erroneous with a brief statement of the basis of the error. A petition for rehearing based on a claim of newly discovered evidence, on facts or circumstances arising subsequent to the close of the record, or on unintended consequences resulting from compliance with the decision or order shall specifically set forth the matters relied upon.

GLREA’s mere disagreement with the Commission’s interpretation of Act 295 and Act 304 and the Commission’s weighing of the evidence submitted during the evidentiary hearing, does not meet the standard set forth in R 792.10437(1). A petition for rehearing is not merely an additional

² *See*, January 12 order, p. 12..

opportunity for a party to express its lack of agreement with the Commission's decisions or to further argue the party's position. Unless a party can show the decision to be incorrect or improper because of errors, newly discovered evidence, facts or circumstances arising after the hearing, or unintended consequences of the decision, the Commission will not grant a rehearing.

In this case, the Commission remains firm that DTE Electric's PSCR plan for 2016 and its projections through the year 2020 were well-supported by the evidence presented in the contested case proceeding, and that Act 295 proceedings are the appropriate venue in which to raise in-depth solar issues such as the increasing effect and use of solar energy. The January 12 order indicates that the Commission considered GLREA's evidence and arguments, and sets forth the Commission's reasoning on these issues in a clear manner. As such, the Commission is not persuaded that its order in this case contains a legal error that warrants a reconsideration or rehearing. Accordingly, GLREA's petition is denied.

THEREFORE, IT IS ORDERED that the petition for reconsideration and rehearing filed by Great Lakes Renewable Energy Association on February 13, 2017, is denied.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any person desiring to appeal this order must do so by in the appropriate court within 30 days after the issuance and notice of this order, pursuant to MCL 462.26. To comply with the Michigan Rules of Court's requirement to notify the Commission of an appeal, appellants shall send required notices to both the Commission's Executive Secretary and to the Commission's Legal Counsel. Electronic notifications should be sent to the Executive Secretary at mpscedockets@michigan.gov and to the Michigan Department of the Attorney General - Public Service Division at pungpl@michigan.gov. In lieu of electronic submissions, paper copies of such notifications may be sent to the Executive Secretary and the Attorney General - Public Service Division at 7109 W. Saginaw Hwy., Lansing, MI 48917.

MICHIGAN PUBLIC SERVICE COMMISSION

Sally A. Talberg, Chairman

Norman J. Saari, Commissioner

Rachael A. Eubanks, Commissioner

By its action of April 13, 2017.

Kavita Kale, Executive Secretary